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AMNESTY INTERNATIONAL
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МЕЖДУНАРОДНАЯ АМНИСТИЯ
منظمة العفو الدولية
國際特赦組織

URGENT ACTION

EXTERNAL **AI Index: ASA 21/09/96**

UA 25/96 Arbitrary detention / Fear of torture **1 February 1996**

EAST TIMOR **23 East Timorese**

Amnesty International fears that at least 23 East Timorese youths, arrested on 20 January after apparently attempting to leave East Timor by boat, may be at risk of torture or ill-treatment in incommunicado detention.

On 24 January, Indonesia's official news agency, *Antara*, reported that 26 East Timorese were being investigated over their attempt to leave East Timor after they allegedly highjacked a fishing boat. The agency reported that the group had rented the boat, but then demanded that they be taken to Australia. Despite having highjacked the boat, however, the group then reportedly fell asleep, allowing the captain to change course and return to East Timor. The official version of how the group were then apprehended is not clear. Other sources allege that the boat was intercepted by the Indonesian Armed Forces at Tutuala on the east coast of East Timor.

Although *Antara* originally reported that there were 26 East Timorese, including five women, being investigated over the incident, it appears now that there are only 23 in detention. The names of 25 are known, but it is not clear which of those named remains in detention. Although it is not known exactly where the group are being held, it is believed that some are in Baucau and others have been taken to Dili. It is also not clear whether they are in military or police detention. Indonesia's Code of Criminal Procedure (KUHAP) states that only the police are authorised to carry out arrests and investigations, but this is routinely ignored in Indonesia and East Timor.

Amnesty International is concerned that the group appear to have been arbitrarily detained, for while the group have been accused by the authorities of hijacking a boat, it does not appear that they have been charged.

BACKGROUND INFORMATION

Since 1995, an increasing number of East Timorese youths have attempted to leave Indonesia and East Timor by boat or by entering foreign embassies in Jakarta, claiming that they are fleeing a continuing serious human rights situation. Those seeking asylum in the foreign embassies in Jakarta are accepted by Portugal, which still recognises East Timorese as Portuguese citizens. On 20 November 1995, up to 27 East Timorese who were attempting to travel by boat to Australia were arrested by military authorities. In December, the authorities stated that all but five of the group had been released, but Amnesty International has not been able to confirm how many remain in detention (see UA 263/95, ASA 21/58/95, 23 November 1995).

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Bahasa Indonesia or English or your own language:
- urging the authorities to allow the 23 East Timorese detained on 20 January 1996 immediate access to lawyers of their own choice;
- seeking assurances that they are being treated humanely in accordance with international standards;
- calling for their immediate and unconditional release unless they are to be charged with a recognisably criminal offence.

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APPEALS TO:

MILITARY COMMANDER REGION IX/UDAYANA
(covers Bali, Lombok, Nusa Tenggara and
East Timor)
Maj Gen H A Rivai
Pangdam IX/Udayana
Markas Besar KODAM IX/Udayana
Denpasar, Bali, Indonesia
Telephone: +62 361 228 095
Telegrams: Pangdam IX/Udayana, Denpasar, Bali, Indonesia
Salutation: Dear Major-General

COPIES TO:

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and to diplomatic representatives of Indonesia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 25 March 1996.